IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 16701 of 2007(L)

PETITIONER:

HYDRU, S/O.ABDU, AGED 65 YEARS,
VEETTILEVALAPIL HOUSE, MANALAMKUNNU DESOM,
CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:
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1. THRISSUR DISTRICT CO-OP. BANK LTD.NO.60,
REP. BY ITS GENERAL MANAGER, KURUPPAM ROAD,
THRISSUR.

2. THE GENERAL MANAGER, TRISSUR DISTRICT
CO-OP.BANK LTD.,NO.60, KURUPPAM ROAD, TRISSUR.

3. THE MANAGER, TRISSUR DISTRICT CO-OP.
BANK LTD., VADAKKEKADU BRANCH, THRISSUR DT.

4. THE JOINT REGISTRAR (GENERAL),
CO-OPERATIVE SOCIETIES, THRISSUR.

BY ADV.T.R.HARIKUMAR, SC FOR R1 TO R3
GOVT.PLEADER SRI.P.N.SANTHOSH FOR R4

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).No.16701 OF 2007

Dated this the 4th day of June, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner and his wife availed a loan from the third respondent which they could not repay. Proceedings were initiated and an award obtained. Revision petition was filed and it was disposed of permitting respondents 1 to 3 to realise the amount in ten equal monthly instalments. It was further ordered that on failure of two consecutive instalments, the respondents 1 to 3 shall be at liberty to realise the entire amount in lumpsum. It is stated that even though the tribunal passed the order on 21/12/2006, copy was received only on last week of February. On receipt of Ext.P1 order petitioner approached respondents 1 to 3 with first instalment, but they declined to receive the same by saying that the

petitioner failed to remit the instalments in time, it is stated.

2. I heard the learned counsel for the petitioner and the learned counsel for the bank also.

3. Learned counsel for the Bank submits that if the petitioner is prepared to remit the first instalment on 15/06/2007 and continues to pay the instalments every succeeding month in terms of Ext.P1, no action will be taken.

4. Learned counsel for the petitioner submits that petitioner will remit the first instalment on 15/06/2007 and continue to pay the instalments as permitted in Ext.P1.

Recording the submissions of both counsel, the writ petition is disposed of permitting the petitioner to start paying the instalments in terms of Ext.P1 from 15/06/2007 onwards. Needless to say, if payment is made as aforesaid, recovery steps shall be kept in abeyance.

K.M.JOSEPH
JUDGE

sv.